XI-HC-22

(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक (W.P.(C).) NO. 206/2007 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

WRIT PETITION No. 206/2007

Petitioners

1 M/s. Hariyali Restaurant, Bilaspur through Proprietor Shamim Ahmad, S/o. Hazi Abdul Wahid, aged about 45 years, R/o. Ambedkar Road, Bilaspur, Tahsil and District Bilaspur (C.G.)

2 Shamim Ahmad, Son of Hazi Abdul Wahid, aged about 45 years, R/o. Ambedkar Road, Bilaspur, Tahsil and Distt. Bilaspur (C.G.)

Versus

Respondents

1. Bank of Baroda, A Corporate Unit Under Banking Cos. (Acquisition and Transfer of Undertaking) Act, 1970, Branch Link Road Bilaspur (C.G.) through its Manager Head Office Bhadavi Baroda (Gujrat)
2. Reserve Bank of India, through Governor, New Delhi
3. Union of India, through Secretary to Ministry of Banking and Insurance, New Delhi

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BEFORE: HON'BLE SHRI DHIRENDRA MISHRA, J

11-4-2007

Shri J.S. Baraik, Advocate for the applicants.

Heard.

By this writ petition, the petitioners are seeking relief of issuance of appropriate writ against the respondent-Bank and set aside the recovery proceeding of the loan amount which was initiated even after the business of restaurant of the petitioners

(पीछे देखें)

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C)No. 206/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

was closed after 21-11-1990 and further a direction to the respondents to pay damages towards mental and physical agony suffered by the petitioners.

Learned counsel for the petitioners submits that for the purposes of running business of restaurant, the petitioners obtained loan from the respondent-Bank. In pursuance of the loan, they hypothecated valuable property with the Bank, however they could not pay the loan amount as per stipulation of the agreement as their business remained closed and they applied the respondent-Bank to release their hypothecated property so that they could sell the same in open market and pay the loan, however the Bank did not accede to their request and ultimately instituted recovery proceeding against the petitioners and obtained a decree of Rs. 9 lacs and on the strength of the decree, they have already recovered a sum of Rs. 13 lacs.

I have heard learned counsel for the petitioners. The petition relates to a contract agreement whereby the respondent-Bank advanced loan to the petitioners and on failure of the petitioners to pay loan, recovery proceedings as per agreement were initiated and a decree was passed by the Competent Court. The matter relates to the transaction date back 1990 and the instant petition has been filed in the year 2007. It is not in dispute that no recovery proceeding is pending before any other forum and the

GRPRJ — FS/246— 2/2007 — 50,000.

XI-HC—78

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C). No. 206/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	amount against the loan is already realized by the respondent Bank. In the circumstances, this Court is not inclined to interferer in the present matter in exercise of jurisdiction vested to this Court. The petition is dismissed at admission stage. Sd/- Dhirednra Mishra Judge	